REMARKS

In the Office Action mailed February 10, 2005, the Examiner noted that claims 1-28 were pending, and rejected claims 1-28. Claims 1, 3, 4, 7, 14, 16, 17, 20-24 and 27 have been amended and new claims 29-31 have been added, and, thus, in view of the forgoing claims 1-31 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

On page 2 of the Office Action, the Examiner rejected claims 1-5, 14-18, 21-25 and 28 under 35 U.S.C. § 102 as anticipated by Humpleman. Page 3 of the Office Action rejects claims 6, 19 and 26 under 35 U.S.C. § 103 over Humpleman. Page 4 of the Office Action rejects the remaining claims under 35 U.S.C. § 103 over Humpleman and Higuchi.

Humpleman discusses a system for managing home devices. The system includes a session manager 750. The session manager activates a session page when the session manager is activated (see col. 14, lines 34-43). A session page 702 (figures 8 and 10) displays devices that can be activated in a frame. When activated the session manager examines a device list file 318 to build a device link page 710 displayed in frame 704 of session page 702. The device link page 710 includes device buttons 712. When the user activates a device button 712, the session manager 750 causes a top level home page 804 corresponding to the selected device to be displayed in one of the frames 704 (708). In this situation, the device link page 710 is always displayed first before the home page 804. The buttons 712 are automatically displayed when the session manager 750 is started and the menu page 804 is displayed after a button 712 is activated.

That is, when a user operates home device button 712 displayed on device link page 710, a top level home page 804 corresponding thereto is displayed.

In contrast, the present invention determines "whether one of the applications is being executed" (claim 1) and displays the menu of the corresponding executing application (see specification page 22, figure 13 and S1-S2).

In Humpleman a menu corresponding to the users operation is displayed while in the present invention a menu corresponding an application is displayed by determining whether the application is executing during the execution thereof. These are fundamentally different modes and ways of operating.

Putting it another way, the session manager 750 of Humpleman is an application and device management is part of the application. As a result, there is no teaching within Humpleman of performing a discrimination operation that discriminates whether an application is started. With the session manager of Humpleman being an application and with device management being part of the application, no discrimination is needed since the application (manager) that displays the device pages is already running.

Higuchi adds nothing to Humpleman with respect to the above-discussed distinction.

It is submitted that the invention of independent claims distinguishes over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 4 emphasizes that a predetermined menu is displayed when an application is not being executed and when the characteristic information for the menu does not exist. It is submitted that the dependent claims are independently patentable over the prior art.

New claim 29 emphasizes performing a test to determine whether an application is executing and displaying a menu corresponding to the executing application based on the test. Nothing in the prior art teaches or suggests such. The link page 710 buttons 712 of Humpleman are always displayed before the home page 804 and the home page 804 is displayed only after a button is activated. The Examiner, on page 3 equates the link page 710 that is always displayed with the launcher menu of the present invention. In the invention launcher menu is displayed only when an application menu is not displayed. This is emphasized in new claim 30. Nothing in the prior art teaches or suggests such. New claim 31 emphasizes features from claims 29 and 30 as discussed above. Nothing in the prior art teaches or suggests such. It is submitted that these new claims, which are different and not narrower than prior filed claims distinguish over the prior art.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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